

FORM PTO-1390
(REV. 12-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

EU 01083

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5

10/500,884

INTERNATIONAL APPLICATION NO.

PCT/US03/00532

INTERNATIONAL FILING DATE

08 January 2003

PRIORITY DATE CLAIMED

08 January 2002

TITLE OF INVENTION

PORPHYRINS WITH VIRUCIDAL ACTIVITY

APPLICANT(S) FOR DO/EO/US

COMPANS, Richard W.; MARZILLI, Luigi G.; SEARS, Amy E.; DIXON, Dabney W.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information:

Power of Attorney and Correspondence Address Indication Form executed by Albertha W. Barret on behalf of Georgia State University Research Foundation, Inc.; Power of Attorney and Correspondence Address Indication Form executed by Kevin C. Lei on behalf of Emory University; Statement Under 37 C.F.R. § 3.73(b) executed by Albertha W. Barret on behalf of Georgia State University Research Foundation, Inc., with attached copy of the executed Assignment from Dabney W. Dixon to Georgia State University Research Foundation, Inc.; Statement Under 37 C.F.R. § 3.73(b) executed by Kevin C. Lei on behalf of Emory University, with attached copy of the executed Assignment from Richard W. Compans, Luigi G. Marzilli, and Amy E. Sears; a copy of the Notification of Missing Requirements Under 35 U.S.C. 371; Supplemental Preliminary Amendment; One Page of Sequence Listing; and 3.5" diskette containing a computer-readable form of sequence listing.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)
10/500,884

INTERNATIONAL APPLICATION NO.
PCT/US03/00532

ATTORNEY'S DOCKET NUMBER
EU 01083

21. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482)
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO
and International Search Report not prepared by the EPO or JPO \$1080.00

International preliminary examination fee (37 CFR 1.482) not paid to
USPTO but International Search Report prepared by the EPO or JPO \$920.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO
and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

CALCULATIONS PTO USE ONLY

\$

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	44 - 44 =		x \$18.00
Independent claims	2 - 3 =		x \$86.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$290.00
TOTAL OF ABOVE CALCULATIONS =			\$ 130.00

\$

\$ 0.00

\$ 0.00

\$ 0.00

\$ 130.00

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above
are reduced by 1/2.

\$ 65.00

SUBTOTAL =

\$ 65.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0.00

TOTAL NATIONAL FEE =

\$ 65.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$ 0.00

10/22/2004 11ANDGRA 00000024 503129 10500884

TOTAL FEES ENCLOSED =

\$ 65.00

01 FC:2617 65.00 DA

Amount to be
refunded: \$

charged: \$

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3129 in the amount of \$ 65.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any
overpayment to Deposit Account No. 50-3129. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card
information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Patrea L. Pabst
Pabst Patent Group LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, GA 30361

SIGNATURE

Patrea L. Pabst

NAME

31,284

REGISTRATION NUMBER

Rec'd PCT/PTO 18 OCT 2004
#5

IN THE U.S. RECEIVING OFFICE FOR THE PATENT COOPERATION TREATY

Applicants: COMPANS, Richard W.; MARZILLI, Luigi G.; SEARS, Amy
E.; DIXON, Dabney W.

International Application No: PCT/US03/00532

International Filing Date: 08 January 2003

Serial No.: 10/500,884

Filed: July 7, 2004

For: *PORPHYRINS WITH VIRUCIDAL ACTIVITY*

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

Sir:

Responsive to the Notification of Missing Requirements Under 35 U.S.C. 371,
mailed September 3, 2004, Applicants enclose the following for filing in the above-identified
application:

1. Declaration for Patent Application executed by Richard W. Compans, Luigi G.
Marzilli, Amy E. Sears, and Dabney W. Dixon;
2. Power of Attorney and Correspondence Address Indication Form executed by
Albertha W. Barret on behalf of Georgia State University Research Foundation, Inc.;
3. Power of Attorney and Correspondence Address Indication Form executed by Kevin
C. Lei on behalf of Emory University;

4. Statement Under 37 C.F.R. § 3.73(b) executed by Albertha W. Barrett on behalf of Georgia State University Research Foundation, Inc., with attached copy of the executed Assignment from Dabney W. Dixon to Georgia State University Research Foundation, Inc.;

3. Statement Under 37 C.F.R. § 3.73(b) executed by Kevin C. Lei on behalf of Emory University, with attached copy of the executed Assignment from Richard W. Compans, Luigi G. Marzilli, and Amy E. Sears;

4. Transmittal Letter to the United States Designated/Elected Office concerning a filing under 35 U.S.C. 371 (Form PTO-1390);

5. Transmittal Form (Form PTO/SB/21);

6. Authorization for the Commissioner to charge Deposit Account No. 50-3129 in the amount of \$65.00 for the small entity surcharge for late filing the Declaration for Patent Application;

7. Supplemental Preliminary Amendment;

8. One Page of Sequence Listing; and


9. 3.5" diskette containing a computer-readable form of sequence listing.

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Applicants also enclose a copy of the Notification of Missing Requirements Under 35 U.S.C. 371, mailed September 3, 2004.

The Commissioner is hereby authorized to charge any additional fees that may be due,
or credit any overpayment in connection with this matter, to Deposit Account No. 50-3129.

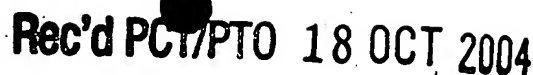
Respectfully submitted,



Patrea L. Pabst
Reg. No. 31,284

Date: October 13, 2004

PABST PATENT GROUP LLP
400 Colony Square, Suite 1200
1201 Peachtree Street
Atlanta, Georgia 30361
(404) 879-2151 (Telephone)
(404) 879-2160 (Fax)



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application Number	10/500,884
Filing Date	July 7, 2004
First Named Inventor	COMPANS, Richard W.
Art Unit	
Examiner Name	
Attorney Docket Number	EU 01083

(to be used for all correspondence after initial filing)


Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply.
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement


<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input checked="" type="checkbox"/> Power of Attorney (TWO), Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input checked="" type="checkbox"/> CD, Number of CD(s) <u>1</u>
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please Identify
below):
Response to Notification of Missing Requirements
Under 35 U.S.C. 371; Transmittal Letter;
Declaration for Utility Application; Two
Statements Under 37 CFR 3.73(b); Assignment;
Notification of Missing Requirements; Sequence
Listing; SEE REMARKS |
| <div style="border: 1px solid black; padding: 5px;"> <input type="checkbox"/> Remarks </div> | | |
| (Other Enclosures continued) Supplemental Preliminary Amendment | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pabst Patent Group LLP		
Signature			
Printed name	Patrea L. Pabst		
Date	October 13, 2004	Reg. No.	31,284

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Chandra Russell	Date	October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EU 01083 / 077113-00006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/500,884	FIRST NAMED APPLICANT Richard W Compans	ATTY. DOCKET NO. EU 01083
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23579
PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE
SUITE 1200
ATLANTA, GA 30361

SEP 7 2004

INTERNATIONAL APPLICATION NO. PCT/US03/00532	
LA. FILING DATE 01/08/2003	PRIORITY DATE 01/08/2002

CONFIRMATION NO. 8675
371 FORMALITIES LETTER



Date Mailed: 09/03/2004

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/07/2004
- Preliminary Amendments filed on 07/07/2004
- Oath or Declaration filed on 07/07/2004
- Small Entity Statement filed on 07/07/2004
- U.S. Basic National Fees filed on 07/07/2004
- Priority Documents filed on 07/07/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Docketed for ① 10-3-04 Rmder
By: ② 11-3-04 Rsp w/o cot
Date: 9-14-04 ③ 12-3-04 Rsp w/1 cot

④ 1-3-05 Rsp w/2 cot
⑤ 2-3-05 Rsp w/3 cot
⑥ 3-3-05 Rsp w/4 cot
Drop Dead Date

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - This application does not contain a "Sequence Listing" as a separate part of the disclosure on paper copy or compact disc, as required by 37 CFR 1.821(c) and PCT Rule 5.2(a).
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
 - **APPLICANT MUST PROVIDE:**
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/500,884	PCT/US03/00532	EU 01083